

Dina R. Jansenson (DJ-6937)
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Attorneys for Defendant Silverstein Properties, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. MORGAN REYNOLDS on behalf of the
UNITED STATES OF AMERICA

Plaintiff/Relator,

- against -

SCIENCE APPLICATIONS INTERNATIONAL CORP;
APPLIED RESEARCH ASSOCIATES, INC.; BOEING;
NuSTATS; COMPUTER AIDED ENGINEERING
ASSOCIATES, INC.; DATASOURCE, INC.;
GEOSTAATS, INC.; GILSANZ MURRAY STEFICEK
LLP; HUGHES ASSOCIATES, INC.; AJMAL ABBASI;
EDUARDO KAUSEL; DAVID PARKS; DAVID SHARP;
DANIELE VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES, INC.;
ROSENWASSER/GROSSMAN CONSULTING
ENGINEERS, P.C.; SIMPSON GUMPERTZ & HEGER,
INC.; S.K. GHOSH ASSOCIATES, INC.; SKIDMORE,
OWINGS & MERRILL, LLP; TENG & ASSOCIATES,
INC.; UNDERWRITERS LABORATORIES, INC.; WISS,
JANNEY, ELSTNER ASSOCIATES, INC.; AMERICAN
AIRLINES; SILVERSTEIN PROPERTIES; AND UNITED
AIRLINES,

Defendants.
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Docket No. 07 CV 4612 (GBD)

**DECLARATION OF
DINA R. JANSENSEN, ESQ.
IN SUPPORT OF
SILVERSTEIN PROPERTIES,
INC.'S MOTION TO DISMISS**

DINA R. JANSENSEN, under penalty of perjury, declares as follows:

1. I am a member of the Bar of this Court, and am Of Counsel to the law firm
of Flemming Zulack Williamson Zauderer LLP, attorneys for defendant Silverstein

Properties, Inc. (“Silverstein”), incorrectly sued herein as Silverstein Properties. I make this Declaration in support of Silverstein’s motion to dismiss pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3), and for attorney’s fees and costs under 31 U.S.C. § 3730(d)(4).

2. For the sake of brevity Silverstein adopts and incorporates by reference as though fully stated herein the following memoranda: Applied Research Associates, Inc.’s Memorandum in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 9(b) (the “ARA Mem”) and Defendants Simpson Gumpertz & Heger, Inc. and Computer Aided Engineering Associates, Inc.’s Memorandum of Law In Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3) (the “SGH Mem”).

3. This action should be dismissed for the following reasons:

- a. This Court lacks subject matter jurisdiction (*see* ARA Mem at 4-16; SGH Mem at 8-16);
- b. The complaint fails to plead fraud with particularity (*see* ARA Mem at 16-22; SGH Mem at 16-20);
- c. The Information Quality Act provides an exclusive administrative process for challenging the quality of information that is disseminated by Federal Agencies, and Plaintiff/Relator has not exhausted the administrative process required under the NIST guidelines (*see* SGH Mem at 20-22); and
- d. Plaintiff/Relator lacks standing to bring the common law causes of action (*see* SGH Mem at 22-23).

4. In addition, attorney's fees and costs should be granted to Silverstein as provided under 31 U.S.C. § 3730(d)(4) (*see* ARA Mem at 23; SGH Mem at 23-24).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2007

/s/ Dina R. Jansenson
DINA R. JANSENSON, ESQ.